

THURSDAY, MAY 2, 1985

FORTY-THIRD LEGISLATIVE DAY

The House met at 9:30 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Lee Brown, Waverly Church of Christ, Waverly, Tennessee.

Representative Collier led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

972--To make certain provisions, savings institutions;

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1086--To establish animal control program, Washington County; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

131--Relative to declaring "Tennessee Garden Club Week";

133--Relative to honoring Pilgrim Rest Church, Memphis;

134--Relative to honoring Northside Middle School Band;

135--Relative to honoring Kenneth L. Harris; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

120--To make certain provisions, cemeteries;

260--To regulate use, certain school property;

419--To enact The Physician Assistant Act;

471--To limit amount of money, game of bingo;

648--To regulate fees charged by Registers of Deeds;

650--To regulate criminal injuries compensation fund;

842--To regulate practice, medicine or surgery; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

282--Relative to congratulating Betty B. Cannon;

283--Relative to congratulating Mary Miller;

284--Relative to commending Dr. Charlene Michael; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

243--To regulate Goodwyn Institute Commission;

264--To exempt certain agricultural products, sales and use tax; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 265 and 296; with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

76--To amend Workers' Compensation Law;

275--To abolish juvenile court jurisdiction, certain offenses;

532--To amend Workers' Compensation Law;

711--To provide for advisory committee, postsecondary education institutions; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. King moved that the rules be suspended for the purpose of introducing House Resolution No. 29 out of order, which motion prevailed.

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House Resolution No. 29--Relative to welcoming Honorable Sir Robert Cotton to United States--By King.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. King, the resolution was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 81--Relative to commending Karla J. Russell.

Mr. Severance moved that Senate Joint Resolution No. 81 be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

Mr. Miller moved that House Bill No. 598 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

House Bill No. 669--To make DUI offenders eligible for work release.

On motion, House Bill No. 669 was made to conform with Senate Bill No. 889.

On motion, Senate Bill No. 889, on same subject, was substituted for House Bill No. 669.

Mr. Clark (Davidson) moved that Senate Bill No. 889 be passed on third and final consideration.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 889 by inserting the following language as new sections immediately following Section 1 and by appropriately renumbering subsequent sections;

SECTION ____. Tennessee Code Annotated, Section 55-10-403(a) (1), is amended by deleting from the first sentence the words, symbols, and figures "violating the provisions of Sections 55-10-401 through 55-10-404" and by substituting instead the following:

violating the provisions of Sections 55-10-401 through 55-10-404, or any person or persons operating or in physical control of any boat or vessel on any lake, river, or waterway located within the state, while under the influence of any intoxicant, marijuana, narcotic drug or drug producing stimulating effects on the central nervous system.

SECTION ____. Tennessee Code Annotated, Section 55-10-403(a)(1), is amended by deleting the words, symbols, and figures "convicted of a violation of the provisions of Sections 55-10-401 through 55-10-404" and by substituting instead the following;

convicted of a violation of the provisions of Sections 55-10-401 through 55-10-404, or any person convicted of operating or being in physical control of a boat or vessel on any lake, river, or waterway located within the state while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system,

SECTION ____. Tennessee Code Annotated, Sections 55-10-403(b)(1), 55-10-403(b)(2), 55-10-403(d)(1), 55-10-403(d)(3), and 55-10-403(g) are amended by deleting the words, symbols, and figures "Sections 55-10-401 through 55-10-404" and by substituting instead the following:

Sections 55-10-401 through 55-10-404, or operating or being in physical control of a boat or vessel on any lake, river, or waterway located within the state while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system,

SECTION ____. Tennessee Code Annotated, Section 55-10-403(d)(2), is amended by deleting the words, symbols, and figures "under Sections 55-10-401 through 55-10-404" and by substituting instead

the following:

under Sections 55-10-401 through 55-10-404, or for conviction of operating or being in physical control of any boat or vessel on any lake, river, or waterway located within the state while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system,

And further amend by deleting from the amendatory language of Section 1 the words, symbols and figures "Tennessee Code Annotated, Section 55-10-401" and by substituting instead the following:

Tennessee Code Annotated, Section 55-10-401, or any person convicted of operating or being in physical control of a boat or vessel on any lake, river, or waterway located within the state while under the influence of any intoxicant, marijuana narcotic drug, or drug producing stimulating effects on the central nervous system,

On motion, the amendment was adopted.

Mr. Clark (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 889 by adding the following new section immediately preceding the effective date section and by renumbering such effective date section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (a) (2) and substituting instead the following:

(A) The cost incurred by the sheriff of a county jail or the chief administrative officer of a city jail for incarcerating a person for each night he is actually in custody for his first violation of this section shall be assessed and taxed as part of the costs and shall be in addition to the fine imposed. Such cost shall be in the same amount as in provided by Tennessee Code Annotated, Section 8-26-105, and shall not in any event be less than the actual cost of maintaining such person and shall be reimbursed in the manner provided by Tennessee Code Annotated, Section 8-26-106.

(B) The cost incurred by the sheriff of a county jail or the chief administrative officer of a city jail for incarcerating a person for each night he is actually in custody for a second or subsequent violation of this section shall be assessed and taxed as part of the costs and shall be in addition to the fine imposed if such county or city has a work release program and if such person is eligible to

participate and is participating in such program. If the county or city does not have a work release program or if the person is not eligible to participate or is not participating in such program, whether such incarceration cost is assessed in addition to the fine imposed shall be in the discretion of the judge. Such incarceration cost shall be in the same amount as is provided by Tennessee Code Annotated, Section 8-26-105, and shall not in any event be less than the actual cost of maintaining such person and shall be reimbursed in the manner provided by Tennessee Code Annotated, Section 8-26-106.

On motion, the amendment was adopted.

Mr. Clark (Sumner) moved that Senate Bill No. 889, as amended, be tabled, which motion prevailed by the following vote:

Ayes	63
Noes	31

Representatives voting aye were: Bewley, Bivens, Byrd, Chiles, Clark (Sumner), Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Dixon, Duer, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Treadway, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--63.

Representatives voting no were: Bell, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Cobb, Collier, Covington, Darnell, Davidson, DeBerry, DePriest, Drew, Ellis, Gaia, Jared, Kernell, Kisber, Love, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Rhinehart, Tanner, Turner, L. (Shelby), West, Williams and Work--31.

Mr. Tanner moved that House Bill No. 756 be re-referred to the Committee on Judiciary, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Senate Bill No. 175--To regulate selection of names, jury lists.

Mr. Murphy moved that Senate Bill No. 175 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative voting no was: Shirley--1.

A motion to reconsider was tabled.

Mr. Huskey moved that House Bill No. 223 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

House Bill No. 931--To provide counseling, sex offenders.

Mr. Love moved that House Bill No. 931 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 931 by deleting the word "shall" from Section 1 and by substituting instead the word "may".

On motion, the amendment was adopted.

Thereupon, House Bill No. 931, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	7

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Peroulas, Rhinehart,

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Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--85.

Representatives voting no were: Bewley, Chiles, Lawson, Moody, Moore (Sullivan), Ridgeway and Wolfe--7.

A motion to reconsider was tabled.

House Bill No. 704--To provide eligibility, Group II Insurance members.

On motion, House Bill No. 704 was made to conform with Senate Bill No. 912.

On motion, Senate Bill No. 912, on same subject, was substituted for House Bill No. 704.

Mr. McCroskey moved that Senate Bill No. 912 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative voting no was: Chiles--1.

A motion to reconsider was tabled.

House Bill No. 286--To provide for payment of claims against state.

Mr. Murphy moved that House Bill No. 286 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 286 by deleting SECTIONS 1 and 2 in their entirety and by substituting instead the following:

" SECTION 1. Tennessee Code Annotated, Section 9-8-112(g), is amended by deleting the subsection in its entirety and substituting the following:

(g) This section shall apply to causes of action arising on or after January 1, 1985 only as set forth in subsection (h) of this section.

SECTION 2. T.C.A. Section 9-8-112 is amended by adding a new subsection (h) as follows:

(1) The Board of Claims, upon determining that the officer or employee was acting within the scope of his official duties, shall reimburse the affected officer or employee for actual damages and costs, including attorneys fees, awarded by judgement or settlement up to the limits found in T.C.A., Section 9-8-307(e), against state officers and employees for any cause of action arising on or after January 1, 1985 where the state officers or employees' immunity set forth in T.C.A. Section 9-8-307(h) is not sustained. In cases where the judgement or settlement is in excess of the limits found in T.C.A., Section 9-8-307(e), the Board of Claims may pay any of the amounts in excess of those limits where such reimbursement is found to bear a reasonable relationship to the officer's or employee's liability or the injury or damage caused.

(2) For purposes of this subsection, actions deemed to be within the scope of official duties shall include, but not be limited to, actions taken pursuant to the statutes, policies or procedures of the State of Tennessee or when the officer or employee had reason to believe that he or she acted pursuant to the statutes, policies or procedures of the state.

(3) Payments may be denied pursuant to this subsection if the officer or employee or their counsel have not made reasonable efforts to defend or if the officer's or employee's actions were grossly negligent, willful, malicious, criminal or done for personal gain. All other applicable provisions of this section shall apply to this subsection. The Board may promulgate rules and regulations implementing this subsection.

SECTION 3. T.C.A., Section 9-8-307, is amended by adding the following sentence at the end of subsection (h):

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For purposes of this chapter, state officer or employee shall have the meaning set forth in T.C.A., Section 8-42-101(a)(3).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 286, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

Mr. Murphy moved that House Bill No. 57 be placed on the Calendar for Thursday, May 9, 1985, which motion prevailed.

Mr. DePriest moved that House Bill No. 805 be placed on the Calendar for Monday, May 6, 1985, which motion prevailed.

House Bill No. 454--To exempt certain agricultural products from sales tax.

On motion, House Bill No. 454 was made to conform with Senate Bill No. 264.

On motion, Senate Bill No. 264, on same subject, was substituted for House Bill No. 454.

Mr. DePriest moved that Senate Bill No. 264 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 92
Noes 2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representatives voting no were: Severance and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 238--To create special school, juvenile correction.

Mr. Love moved that House Bill No. 238 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 238 by deleting Sections 1 through 5 in their entirety and by substituting instead the following new Sections 1 and 2:

SECTION 1. Tennessee Code Annotated, Section 4-6-143, is amended by deleting the following sentence:

"Longevity shall not be paid to teachers in such special school district under the provisions of both TCA 8-23-206 and 49-1313."

SECTION 2. This act shall take effect on July 1, 1985, the public welfare requiring it.

Mr. Love moved that House Bill No. 238 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

Mr. Love moved that House Bill No. 901 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

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House Bill No. 417--To regulate use of deadly force, arresting officer.

Mr. Drew moved that House Bill No. 417 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 417 by deleting the amendatory language of Section 1 and substituting instead the following:

(a) If, after notice of the intention to arrest the defendant, he either flees or forcibly resists, the officer may use all the necessary means to effect the arrest.

(b) Notwithstanding subsection (a), deadly force is authorized to effect an arrest only if all other reasonable means of apprehension have been exhausted, and, where feasible, some warning has been given the defendant, and:

(1) The officer has probable cause to believe defendant has committed a felony involving the infliction or threatened infliction of serious physical harm, or

(2) The officer has probable cause to believe that the defendant poses a threat of serious physical harm, either to the officer or to others unless he is immediately apprehended.

On motion, the amendment was adopted.

Mr. Moody moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 417 by inserting the words "to the officer or to any person in the presence of the officer" between the words "physical harm" and the word and punctuation ", or" in the amendatory language of Section 1 designated as subsection (b) (1) of Section 40-7-108.

On motion, the amendment was adopted.

Thereupon, House Bill No. 417, as amended, passed its third and final consideration by the following vote:

Ayes	77
Noes	15
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland,

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Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Garrett, Gill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McCroskey, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--77.

Representatives voting no were: Bell, Buck, Burnett, Chiles, Frensley, Harrill, Hassell, Kent, McAfee, McNally, Stafford, Turner, C. (Shelby), Ussery, Winningham and Wix--15.

Representative present and not voting was: Moore (Shelby)--1.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Bill No. 1031--To close fox season, Washington County.

Senate Joint Resolution No. 31--Relative to implementing special educational care, West Tennessee.

Senate Joint Resolution No. 122--Relative to congratulating Martin Junior High School chess team.

Senate Joint Resolution No. 123--Relative to commemorating accomplishments, Volunteer Electric Cooperative.

Senate Joint Resolution No. 124--Relative to congratulating Coach Tommy Carpenter and girls' basketball team.

Senate Joint Resolution No. 125--Relative to congratulating Coach Dave Loos and Christian Brothers basketball team.

Senate Joint Resolution No. 128--Relative to commending Robin Angela Saxon.

Senate Joint Resolution No. 129--Relative to commending Sammie Lynn Puett.

House Bill No. 1091--To make provisions, Economic Development Commission, Jackson.

House Bill No. 1094--To regulate manufacture and sale of fireworks, Cocke County.

House Resolution No. 27--Relative to honoring State DECA students.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 336--To change contempt power of judges, general sessions courts.

SENATE AMENDMENT NO. 1

Amend House Bill No. 336 by inserting in the amendatory language of Sections 1 and 2, after the words and figures "nor greater than thirty-two thousand, seven hundred sixty (32,760)", the following:

; or not less than nine thousand, six hundred fifty (9,650) nor greater than nine thousand seven hundred fifty (9,750), or not less than thirty-four thousand, seventy-five (34,075) nor greater than thirty-four thousand, one hundred seventy-five (34,175), all

SENATE AMENDMENT NO. 2

Amend House Bill No. 336 by inserting the following language in Section 1 and Section 2 immediately after the symbols and figures "(32,760)":

or of not less than eighty five thousand seven hundred twenty-five (85,725) nor greater than eighty five thousand eight twenty-five (85,825).

SENATE AMENDMENT NO. 3

Amend House Bill No. 336 by inserting the following language in Section 1 and Section 2 immediately after the symbols and figures "(32,760)":

or of not less than seventy seven thousand seven hundred (77,700) nor greater than seventy seven thousand eight hundred (77,800).

Mr. Naifeh moved that the House concur in Senate Amendments Nos. 1, 2 and 3, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Mr. Cobb moved that the rules be suspended for the purpose of considering House Bill No. 206 out or order, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 206--To provide for use of citation.

SENATE AMENDMENT NO. 1

Amend House Bill No. 206 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) (1) A peace officer who has arrested a person for the commission of a misdemeanor committed in his presence or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, shall issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate. Provided, however, if the peace officer is serving an arrest warrant or capias issued by a magistrate for the commission of a misdemeanor, it shall be in the discretion of the

issuing magistrate whether the person is to be arrested and taken into custody or arrested and issued a citation in accordance with this section in lieu of continued custody. Each such warrant or capias shall specify the action to be taken by the serving peace officer who shall act accordingly.

The provisions of this subsection shall not apply to an arrest for the offense of driving under the influence of an intoxicant as prohibited by Tennessee Code Annotated, Section 55-10-401, unless the offender was admitted to a hospital, or detained for medical treatment for a period of at least three (3) hours, for injuries received in a driving under the influence incident.

(2) If a person is arrested for

(A) Shoplifting, in violation of Tennessee Code Annotated, Section 39-3-1124; or

(B) Issuance of bad checks, in violation of Tennessee Code Annotated, Title 39, Chapter 3, Part 3; or

(C) Use of a revoked or suspended driver's license in violation of Tennessee Code Annotated, Section 55-7-115 or 55-7-116,

a peace officer may issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.

AND FURTHER AMEND by adding before the effective date section, the following new sections and by renumbering the effective date section accordingly:

Section 2. Tennessee Code Annotated, Section 40-7-118, is further amended by deleting subsection (c)(3) and substituting instead the following:

(3) The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field-administered fingerprint or thumbprint which a peace officer may require to be affixed to any citation;

Section 3. Tennessee Code Annotated, Section 40-7-118, is further amended by deleting the word "and" at the end of subsection (c)(5); by changing the period (.) at the end of subsection (c)(6) to a semicolon (;); and by adding the following new subparts to subsection (c):

(7) The person arrested is so intoxicated that he or she could be a danger to himself or herself or to others; and

(8) There are one (1) or more outstanding arrest warrants for the person.

Section 4. Tennessee Code Annotated, Section 40-7-118, is further amended by inserting between the words "appear in court" and "is guilty of a misdemeanor" in subsection (i) the words "or who knowingly gives a false or assumed name or address".

Section 5. Tennessee Code Annotated, Section 40-7-118, is further amended by deleting from subsection (j) the word and figure "six (6)" and substituting instead the word and figure "eight (8)".

Section 6. Tennessee Code Annotated, Section 40-7-118, is further amended by deleting the second sentence of subsection (j) and substituting instead the following:

An officer who on the basis of facts reasonably known or reasonably believed to exist determines that a citation cannot be issued because of one (1) of the eight (8) reasons enumerated in subsection (c) of this section shall not be subject to civil or criminal liability for false arrest, false imprisonment or unlawful detention.

Section 7. Tennessee Code Annotated, Section 40-7-118, is further amended by changing the period (.) at the end of the first sentence of subsection (d) (1) to a semicolon (;) and by deleting the second sentence of subsection (d) (1) in its entirety.

Section 8. Tennessee Code Annotated, Section 40-7-18, is further amended by adding the following new subsections to the end of the section:

() (1) After the effective date of this act, each citation issued pursuant to this section shall have printed on it in large, conspicuous block letters the following:

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE.

(2) Any law enforcement agency may exhaust its current supply of citation forms after the effective date of this act, notwithstanding the provisions of this subsection to the contrary.

() The provisions of this section shall govern all aspects of the issuance of citations in lieu of the continued custody of an arrested person notwithstanding any

provision of Rule 3.5 of the Rules of Criminal Procedure to the contrary.

Section 9. The curriculum requirements of the Tennessee peace officer standards and training commission established by Tennessee Code Annotated, Title 38, Chapter 8, Part 1, shall include materials concerning the use of citations in lieu of arrest.

Section 10. Tennessee Code Annotated, Section 40-7-118 (g) is amended by deleting from the second sentence of said subsection the following words and punctuation mark:

"a magistrate or official lawfully assigned such duty by a magistrate."

and substituting instead the following:

"any person authorized by law to administer oaths."

SENATE AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the period (.) at the end of the notice provision in subsection () (1) of the amendatory language of Section 8 and substituting instead the following:

WHICH IS PUNISHABLE BY A JAIL SENTENCE OF UP TO SIX (6) MONTHS AND/OR A \$250 FINE.

FURTHER AMEND by adding the following new sections immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section 11. Tennessee Code Annotated, Section 40-7-118, is amended by deleting subsections (e) and (f) in their entirety and substituting instead the following:

(e) By accepting the citation, the defendant agrees to appear at the arresting law enforcement agency prior to trial to be booked and processed. Failure to so appear shall constitute a separate misdemeanor offense punishable by imprisonment in the county jail or workhouse for not more than six (6) months or by a fine of not more than two hundred fifty dollars (\$250) or, in the discretion of the court, by both such imprisonment and fine.

(f) If the person cited fails to appear in court on the date and time specified or fails to appear for booking and processing prior to his court date, the court shall issue a bench warrant for such person's arrest.

FURTHER AMEND by deleting Section 4 of Amendment No. 1 and substituting instead the following:

Section 4. Tennessee Code Annotated, Section 40-7-118, is amended by deleting subsection (i) in its entirety and substituting instead the following:

(i) Any person who intentionally, knowingly, or willfully fails to appear in court on the date and time specified on the citation or who knowingly gives a false or assumed name or address is guilty of a separate misdemeanor offense, regardless of the disposition of the charge for which he was originally arrested, and upon conviction shall be punished by imprisonment in the county jail or workhouse for not more than six (6) months, or by a fine of not more than two hundred fifty dollars (\$250) or, in the discretion of the court, by both such imprisonment or fine. Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful.

SENATE AMENDMENT NO. 3 TO AMENDMENT NO. 1

Amend Amendment No. 1 as follows:

Amend Section 8 (1)

Add in bold lettering consistent with the notice provided in this section:

".... CRIMINAL OFFENSE PUNISHABLE BY A FINE UP TO \$250.00 AND UP TO SIX MONTHS IN JAIL."

Create a new subsection 2 and renumbering other subsections thereafter:

Each person receiving a citation under this act shall sign this citation indicating the knowledge of the notice listed in subsection (1) Section 8. Signature of each person creates a presumption of knowledge of said notice and a presumption of intent to violate this act if said person should not appear as required by the citation.

SENATE AMENDMENT NO. 4 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting House amendments number 1 and number 2 in their entirety.

SENATE AMENDMENT NO. 2

Amend House Bill No. 206 by adding at the end of Section 3, as added by House amendment #2, the following appropriately lettered subpart:

() Assault or battery as those offenses are defined by common law.

SENATE AMENDMENT NO. 1 TO AMENDMENT NO. 2

Amend Amendment No. 2 by adding the following language:

if the officer believes there is a reasonable likelihood that persons would be endangered by the arrested person if a citation were issued in lieu of continued physical custody of the defendant.

SENATE AMENDMENT NO. 3

Amend House Bill No. 206 by adding at the end of Section 3, as added by House amendment #2, the following appropriately lettered subpart:

() Prostitution, in violation of Tennessee Code Annotated, Section 39-2-632.

SENATE AMENDMENT NO. 1 TO AMENDMENT NO. 3

Amend Amendment No. 3 by adding the following language after the number 632 and before the period:

if the arresting party has knowledge of past conduct of the defense in prostitution or has reasonable cause to believe that the defense will attempt to engage in prostitution activities within a reasonable period of time if not arrested.

Mr. Cobb moved that the House concur in Senate Amendments Nos. 1, as amended, 2 as amended, and 3, as amended, which motion prevailed by the following vote:

Ayes	95
Noes	2

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representatives voting no were: Bell and Severance--2.

A motion to reconsider was tabled.

Mr. Ivy moved that House Resolution No. 25 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Ivy moved that the rules be suspended for the purpose of considering House Resolution No. 25 out of order, which motion prevailed.

House Resolution No. 25--Relative to confirming appointment, Stanley T. Anderson, Claims Commission.

Mr. Ivy moved that House Resolution No. 25 be adopted, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Mr. Cobb moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 131 out of order, which motion prevailed.

Senate Joint Resolution No. 131--Relative to declaring "Tennessee Garden Club Week."

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Cobb, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 304 out of order, which motion prevailed.

House Joint Resolution No. 304--Relative to honoring Congressman Jim Cooper and bride--By Wheeler, Rhinehart, Burnett, DePriest, Winningham, Lawson, Murray, Hillis, Gafford, Curlee, Cross, Hurley, Duer, Moody and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

BILL WITHDRAWN

On motion of Mr. Yelton, House Bill No. 673 was recalled from the Committee on State and Local Government.

On motion of Mr. Yelton, House Bill No. 673 was withdrawn from the House.

BILL RE-REFERRED

On motion of Ms. Williams, House Bill No. 301 was recalled from the Committee on Commerce.

On motion of Ms. Williams, House Bill No. 301 was referred to the Committee on Judiciary.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 99

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

SPONSORS ADDED

Without objection, the rules were suspended to allow the

following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 805--Davidson, Burnett, Rhinehart

House Bill No. 895--Kent

INTRODUCTION OF RESOLUTIONS

House Resolution No. 28--Relative to honoring Wayne Jerrolds--By Wolfe.

Under the rules, House Resolution No. 28 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 295--Relative to ratifying proposed Constitutional amendment, Congressmens' compensation--By Bragg.

The Speaker referred House Joint Resolution No. 295 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 297--Relative to honoring Columbia Central High School boys' basketball team--By Napier.

Under the rules, House Joint Resolution No. 297 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 298--Relative to honoring Rick Kleinfelter--By Scruggs.

Under the rules, House Joint Resolution No. 298 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 300--Relative to honoring Randy Shelton--By Winningham.

Under the rules, House Joint Resolution No. 300 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 301--Relative to congratulating Oneida High School boys' basketball team--By Winningham.

Under the rules, House Joint Resolution No. 301 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 302--Relative to honoring Brian Bond --By Winningham.

Under the rules, House Joint Resolution No. 302 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 303--Relative to honoring Campbell County junior varsity girls' basketball team--By Cross and Wheeler.

Under the rules, House Joint Resolution No. 303 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 305--Relative to honoring South Fulton Middle School boys' basketball team--By Tanner.

Under the rules, House Joint Resolution No. 305 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 306--Relative to congratulating Mr. and Mrs. Herbert Windom Staggs--By Hassell.

Under the rules, House Joint Resolution No. 306 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 307--Relative to study, instructional programs in correctional institutions--By McAfee, Moody, Miller and Murphy.

The Speaker referred House Joint Resolution No. 307 to the Committee on State and Local Government.

INTRODUCTION OF BILLS

House Bill No. 1098--To amend Charter, Decherd--By Murray.

Passed first consideration.

House Bill No. 1099--To prohibit concurrent service, elected officials, Dyer County--By Dills.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 1062--To regulate judicial review, certain decisions of Commissioners.

Passed second consideration and referred to Committee on Judiciary.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1096--To authorize counties to levy tax on restaurants.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1097--To authorize school bonds, Franklin Special School District.

Passed second consideration and held without reference.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, May 6, 1985: House Bills Nos. 360, 717, 749, 752, 753, 568, 748, 888 and 85.

GILL, Chairman.

NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58. sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, May 6, 1985:

Senate Bill No. 188--Moore (Sullivan)

House Bill No. 195--Cobb

House Bill No. 481--Moore (Sullivan)

House Bill No. 966--Burnett

and on Wednesday, May 8, 1985:

House Bill No. 68--Ussery

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 299; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 299.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have

carefully examined House Bills Nos. 286, 417, 931, 1031, 1091 and 1094; House Joint Resolution No. 304; and find same correctly engrossed and ready for transmission to the Senate.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1097 and 1089.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, May 6, 1985: Senate Joint Resolution No. 95; House Resolution No. 28; House Joint Resolutions Nos. 297, 298, 300, 301, 302, 303, 305, 306 and House Bills Nos. 1097 and 1089.

GILL, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

286--To make certain provisions, claims against the state;

868--To amend Retailers' Sales Tax Act;

879--To create State Seed Certifying Agency;

1081--To regulate Board of Commissioners, Lake City;

1082--To levy tax on lodgings, Lake City;

1092--To regulate purchasing, Hardeman County;

1093--To regulate purchasing, Carter County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 152, 157, 158, 236, 253, 266, 267, 268, 269, 271, 273, 276, 277, 278 and 299; also, House Bills Nos. 307, 699, 849,

1074, 1083 and 1084; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

54--To regulate penalties, certain taxes.

The Senate concurred in House Amendment No. 1 and nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1031--To close season on foxes, Washington County; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

127--Relative to congratulating Coach Tommy Carpenter and girls' basketball team; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

368--To exempt taxidermy services, sales and use tax;

516--To make provisions, workers' compensation self-insurers;

654--To establish new trial court judgeship, 12th Judicial District;

832--To amend Workers' Compensation Law;

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845--To regulate certain mental health institutes;

1061--To amend Chapter 86, Public Acts of 1985; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 25; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Resolution No. 25.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 307, 699, 849, 1074, 1083 and 1084; House Joint Resolutions Nos. 152, 157, 158, 236, 263, 266, 267, 268, 269, 271, 273, 276, 277, 278 and 299; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, May 6, 1985.